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ACADEMIC FREEDOM AND TENURE--AMARILLO COLLEGE.

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IN HER 17TH YEAR OF SERVICE AT A JUNIOR COLLEGE OF ABOUT 2,800 STUDENTS, A PROFESSOR WAS SUSPENDED AND THEN DISMISSED. THE SITUATION LEADING TO THIS ACTION INCLUDED (1) A REDUCTION IN LOAD, ACCOMPANIED BY REDUCTION IN SALARY, (2) A TRANSFER FROM ONE DEPARTMENT TO ANOTHER, (3) CHARGES OF "CONTUMACIOUS" CONDUCT, (4) INTERPRETATIONS OF POLICIES OF THE BOARD, (5) AMENDMENTS TO SUCH POLICIES, (6) ACADEMIC DUE PROCESS, AND (7) TENURE. AN INVESTIGATION WAS CONDUCTED BY A SUBCOMMITTEE OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS' COMMITTEE A ON ACADEMIC FREEDOM AND TENURE. THE SUBCOMMITTEE REPORTED (1) THAT THE DISMISSAL VIOLATED THE PROFESSOR'S TENURE RIGHTS, BOTH BY AAUP STANDARDS AND THE REGULATIONS OF THE COLLEGE, (2) THAT ACADEMIC DUE PROCESS HAD NOT BEEN OBSERVED, AND THAT (3) SUBSEQUENT ACTIONS OF THE ADMINISTRATION AND THE BOARD HAVE RENDERED INSECURE BOTH ACADEMIC FREEDOM AND TENURE. THIS ARTICLE IS A REPRINT FROM "AAUP BULLETIN," VOLUME 53, NUMBER 3, SEPTEMBER 1967. (WO)

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Academic Freedom and Tenure: Amarillo College

I. Introduction

Amarillo College, a municipally supported junior college, was established by vote of the citizens of Amarillo, Texas, in 1929. While the Amarillo College District and the Amarillo Independent School District are otherwise identical, the College is supported by a separate tax levy, and since 1958 it has been governed by an elected Board of Regents. Since 1937, it has been located on its present campus.

The institution currently has a faculty of approximately 125, including some twenty who teach only in the Evening College, which is primarily a center for adult, continuing education. Total enrollment is approximately 2800. It is a fully accredited two-year school which serves students who intend to pursue academic or professional careers, and also emphasizes vocational training in a number of areas.

Professor Elizabeth Miesse was appointed to the faculty of Amarillo College on February 23, 1947, and subsequently served continuously in a number of different departments from that date until she was notified by a telephone call from President A. B. Martin on November 27, 1963, of her suspension effective December 31, 1963. A confirming letter from President Martin was dated December 2, 1963. The Board of Regents of Amarillo College, at its meeting of December 17, 1963, after hearing statements from both the President and Professor Miesse, voted to accept the President's recommendation of dismissal.

Professor Miesse first sought the assistance of the American Association of University Professors a little more than a year later, in December, 1964. Subsequent correspondence led the Washington Office of AAUP to write to President Martin on February 5, 1965, asking for clarification of the issues involved and emphasizing the interest of the Association in this matter. Following an exhange of several letters, President Martin stated in a letter dated April 12, 1965, " . . . this is the last letter you will receive from me." The Washington Office then wrote to President Martin suggesting a "personal private meeting of the principals and whatever appropriate advisors they chose to assist them." Another letter was sent on September 9, 1965, to ascertain President Martin's reaction to this suggestion. Neither letter was acknowledged.

Two further attempts were made to resolve the issues. On July 10, 1965, an Association consultant visited Professor Miesse in Amarillo. President Martin, however, was unavailable at the time. Then on December 2, 1965, a second consultant did meet with President Martin and Mr. Herman Smith, a member of the Board of Regents, to explore any avenues that could lead to a reconciliation. At this time President Martin stated that "no possible good" could come from a meeting with Professor Miesse in the presence of a third party.

It was in light of this background that the *ad hoc* committee was appointed to conduct an on-campus investigation of the dismissal of Professor Miesse.

The committee visited the Amarillo College campus on February 23-25, 1966, where it conducted interviews with several members of the administration and numerous faculty members, both those currently at the College and some who had been there at the time of Professor Miesse's dismissal. These included Professor Miesse's former department chairmen and six faculty members still on the college staff who had been members of the Committee on Professional Relations and Standards in December, 1963. This was the faculty committee, according to the tenure regulations in effect in 1963, charged with responsibility for advising the President "When the dismissal of a full tenure faculty member appears to the president necessary."

Four additional interviews with faculty were conducted by telephone, and two faculty members volunteered to speak with the *ad hoc* committee off campus and "off the record" (one came to the hotel room of the chairman at 5:30 a.m., stating that he wished to avoid public identification with the AAUP committee). The committee chairman also corresponded with President Joseph Ray of Texas Western College (now the University of Texas at El Paso), formerly President of Amarillo College.

The committee's first meeting was with President Martin; Mr. Robert Stone, counsel for the Board of Regents; and Dr. William E. Raab, Dean of the College. President Martin announced at the beginning of the meeting that he would answer no questions regarding Professor Miesse's dismissal, but would defer to Mr. Stone, who acted thereafter as exclusive spokesman, but who answered no questions specifically pertinent to the case. Although copies of correspondence and memoranda

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between President Martin and Professor Miesse were supplied to the committee, Mr. Stone said that the committee's questions about the case would be answered by a tape recording of the December 17, 1963, hearing before the Board of Regents. Neither a copy nor a transcript of the tape was made available, but the committee spent four hours listening to it in a room on the campus provided by the administration and taking extensive notes on it. The tape, which was less than one hour in length, was stopped and replayed on numerous occasions to permit accurate citation of its contents, and it is the source of many of the quotations used in this report.

The text of the report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was sent (a) to the Association's Committee A on Academic Freedom and Tenure; (b) to the teacher at whose request the investigation was conducted; (c) to other persons directly concerned in the report; and (d) to the administration of Amarillo College. In the light of the suggestions received and with the editorial assistance of the Association staff, the report has been revised for publication. Comments were received from the members of Committee A and from the teacher. The reply of the College, made by its Counsel, provided no specific suggestions for amending the report. No reply was received to further invitations to provide the Association with comments prior to the publication of the report.

II. Events Preceding the Dismissal

A. Early Developments

A lengthy series of events preceded the dismissal action, some of which apparently contributed to Professor Miesse's reduction in the spring of 1962 to part-time teaching status with reduced compensation, and her eventual suspension and dismissal.

As stated above, Professor Miesse began teaching at Amarillo College in 1947. In the academic year 1960-61, Dr. A. B. Martin first assumed his duties as President of the College. In that same year Professor Clara C. Linderholm was appointed Chairman of the Department of Business Administration, and Professor Miesse continued to be assigned her regular courses (Business Correspondence, Typing, and Office Management) in that department.

In the spring of 1961, Professor Miesse agreed to assume certain part-time duties in the area of public relations for the fall semester of 1961-62. To help prepare herself for those duties she attended summer school at the University of Colorado in 1961.

On August 21, 1961, President Martin wrote a seemingly cordial letter to Professor Miesse while she was in Colorado, describing her new duties: She would continue to work in the Department of Business Administration and, as previously planned, would also assume public relations responsibilities. President Martin emphasized, "We cannot devote more than two-fifths of a faculty member's time to this area of work" (that is, to public relations). The President concluded, "Your schedule would call for a two-fifth's time on communications work and three-fifth's time to teaching. I think this will be a happy combination and give you plenty of leeway." This letter also informed Professor Miesse that a new salary scale had been approved by the Board of Regents, from which she would benefit, and that a request she had made for increased office space was being favorably received. In short, as of August 21, 1961, relations between Professor Miesse and President Martin appeared to be amicable.

On August 24, 1961, Professor Miesse replied to President Martin, raising certain questions regarding her schedule for the coming year. She stated that she had just received a letter from Miss Linderholm in which she was informed that she would have two day classes and one night class in the Department of Business Administration. Although she indicated that she was willing to cooperate fully, she expressed her disappointment in this schedule: "the assignment is not as fair as it might be, especially since I am *not* being paid for the night class."

She also noted her assumption that, with the pressure of the public relations job, she would be relieved of all responsibilities to the Business Administration Department except teaching; she expressed her appreciation of President Martin's understanding of her need for a second office; and she stated her agreement with the President as to the general type of public relations program the College should have. The letter throughout is friendly and casual, indicating, as did President Martin's letter, cordial relations between the two. Her schedule for the fall of 1961 was three courses in the Department of Business Administration, and two-fifth's time devoted to public relations.

On March 9, 1962, President Martin wrote to Dean of the College Joseph Davis that, "On February 12, 1962, we processed a Personnel Form calling for a change of status with respect to the salary of Miss Miesse. The change adjusted her salary to the maximum for her training and experience." The major point of the letter, however, was to inquire of Dean Davis regarding Professor Miesse's teaching load. It was Martin's expressed understanding that she was supposed to teach four three-semester-hour classes and perform additional duties in lieu of the fifth course. But in reviewing the program for the spring semester, he discovered that she was teaching only three courses for a total of nine semester hours, and concluded, "Either there is a mistake in the record or Miss Miesse has not been assigned to a full load for the Spring semester, 1962. I would like to have the total of Miss Miesse's teaching load clarified for the record."

Ten days later, March 19, Professor Linderholm wrote a memorandum to Dean Davis regarding assignments for the fall semester of 1962: "I understand that Miss Beth Miesse is to be transferred to the Department of Psychology for the Fall semester, 1962. Therefore, I am excluding her in making plans for the Department of Business Administration for the academic year 1962-63." (It should be noted that Professor Miesse has a

master's degree in psychology as well as one in business administration.)

On March 22, 1962, Dean Davis replied to President Martin's March 9 inquiry regarding Professor Miesse's schedule, indicating that her current assignment was nine hours plus certain other duties, such as supervising a typing lab, writing a typing syllabus, doing a departmental inventory, and editing *The Messenger* (the student publication). Dean Davis concluded by saying that this constituted a full load for Professor Miesse for the semester.

The *ad hoc* committee was unable to clarify the reasons for the sequence of events between February, when President Martin approved the maximum salary increase available for Professor Miesse, and March, when chairman Linderholm indicated she would not include Professor Miesse in her plans for the fall of 1962. No evidence was made available to indicate the source of this decision, nor would President Martin comment when queried by the committee. It is clear, however, that basic changes were made in Professor Miesse's assignment for the fall of 1962, apparently without her knowledge. And soon after, the first serious open break occurred and is reflected in a letter from President Martin to Professor Miesse, dated April 10, 1962:

> It has been reported to me that last Friday at a meeting of the Instructors' Association on this campus you presented a report, along with editorial comments, which constituted an unwarranted personal attack on the administration of Amarillo College. I was shocked to learn that you would do such a thing and I do not understand what possibly could have motivated you in preparing and presenting such a report.
>
> Please furnish this office with a copy of the report together with a resume of your editorial comments. This is necessary to verify the accuracy of the report which I have received.
>
> If an analysis of the report and the comments which you made to the faculty members of the College reveal that you did make a personal attack on the administration of the College, then the question is immediately raised as to whether or not your conduct at the meeting of the Instructors' Association comes under the provisions of Section III,[1] Paragraph D, of the Statement on Faculty Tenure and Status, as amended August 15, 1961, which reads as follows:
>
> > *Abrogation of Tenure:* A faculty member may divest himself of the benefits of tenure by conduct which is inimical to Amarillo College and, further, his employment, upon proper notice, may be terminated for malfeasance, inefficiency, or contumacious conduct.

Then on May 4, 1962, a conference was held, at President Martin's request, in the President's office, attended by Professor Miesse, Dr. Martin, Dean Davis, and Dean Stevens of the Evening College. According to President Martin's agenda, the purpose of this meeting was to tell Professor Miesse that her teaching load for 1962-63 would be reduced to a total of two, perhaps three, classes because "personality differences precluded assignments in those areas where her transcript showed adequate training." This information was given to her so that she could "make other plans for employment for 1962-63 if she was not satisfied with this arrangement."

[1] This appears to the committee to be an inadvertent error for Section II.

On May 15, 1962, the Board of Regents of Amarillo College discussed the Miesse case in executive session. It was agreed that Professor Miesse would be assigned teaching duties on the basis of the reduced load available in the Department of Psychology, that her salary would be reduced accordingly, and that she would be "placed on probationary status." Professor Miesse states that she does not recall being informed of the decision to put her "on probationary status."

In the fall of 1962, Professor Miesse did return to Amarillo College, for the first time on an actual part-time (three-fifths') basis, with commensurate salary.

It was during this Christmas season, 1962, that Professor Miesse wrote certain letters and Christmas cards to several members of the administration which are referred to in President Martin's charges (discussed below) and which were made available to the Board prior to its December 17, 1963, meeting at which Professor Miesse was dismissed.

On April 30, 1963, President Martin wrote Professor Miesse informing her that her load for the academic year 1963-64 would be reduced from three-fifths to two-fifths, and that her salary accordingly would be cut to a maximum of $3140 for the two courses. The President concluded the letter saying, "This information is given you so you can make your plans for the next year. It is my suggestion that in view of the low salary you would draw at Amarillo College you may wish to seek employment elsewhere."

Professor Miesse states that for personal reasons, including a long-standing attachment to Amarillo and the College, and because of her belief that this problem could be resolved satisfactorily, she chose not to make a serious effort to obtain an appointment elsewhere. In any event, in the fall of 1963, she resumed her teaching position at Amarillo College on a two-fifths' basis. She states that she discussed this reduced load informally with members of the Faculty Committee on Professional Relations and Standards, inquiring as to what her rights were. However, the Committee, caught in the rush of the school year's ending in May, did not meet formally and took no action.

Then on Tuesday, November 26, 1963, Professor Miesse took a copy of the College constitution to an attorney. She asserts that she asked him to interpret the statement on faculty tenure and status, and particularly to give her an opinion about whether her reduced load and salary was in harmony with the College constitution. According to Professor Miesse, "There was only one meeting; it was brief; nothing was said about legal action; the only comment by the attorney was that he felt the matter could be straightened out in a conference after he had read the Constitution."

By some means not clearly established by the committee, President Martin learned that Professor Miesse had been to see the attorney. In any case, on the afternoon of Wednesday, November 27, by telephone, President Martin suspended Professor Miesse. According to the President's statement to the faculty on December 2, 1963, he had received information on November 27, 1963, that Miss Mary E. Miesse:

> has entered into negotiations with an attorney in contemplation of bringing some action against me, the Board of Regents or other college personnel. On what grounds or basis is unknown to me at this time. Upon receipt of this information, I sought verification by a telephone call to the attorney. This I received. Following the procedure called for, I telephoned Miss Miesse, informing her that I had no choice in view of her overt action but to suspend her from duties to Amarillo College as of December 2nd.

During its final visit with administrative officers of the College the committee tried to ascertain why efforts had not been made to resolve the situation prior to the sudden suspension of Professor Miesse by President Martin. Both the President and Mr. Stone declined to explain. However, President Martin did repeat that the situation had been intolerable, and that there had been "many efforts" to resolve it before Professor Miesse had been dismissed. When asked, though, to cite any specific conferences between President Martin and Professor Miesse *after* the May 4, 1962, meeting, at which Professor Miesse's load had first been officially reduced, President Martin and Mr. Stone did not reply. Asked if there had been any letters written to Professor Miesse between May, 1962, and November, 1963, they again did not reply.

Regarding President Martin's later (December 17, 1963) letter to the Board, in which he had referred to the Christmas (1962) letters as indicating "an excess of communication," the committee asked if there had been other letters received to account for this evaluation. The President said there had been many letters, but when the committee inquired further about these, he and Mr. Stone would give no further information. Professor Miesse had told the committee that during this period of time she "may have written one or two complimentary letters to President Martin, but that was all." She claimed, however, that there had been no communications from President Martin between May of 1962 and the telephone notification of suspension in November, 1963, no personal conferences, and no telephone communications. She said that she had received only one letter, that of April 30, which had announced the reduction to two-fifths' load. And she said that she had casually spoken to the President on the campus perhaps once or twice during this time. President Martin and Mr. Stone would neither confirm nor deny any of this information.

Whatever the original differences between President Martin and Professor Miesse may have been, the evidence available to the *ad hoc* committee indicates no serious attempt to reconcile them or to find a workable resolution for at least the nineteen-month period immediately preceding the suspension and dismissal.

B. The Suspension

The December 2, 1963, letter to Professor Miesse from President Martin confirming his intention to suspend her reads as follows:

> This letter confirms my telephone call to you on the evening of November 27, 1963. The purpose of the call was to inform you that, because of information which I received at approximately 5:00 p.m. on November 27, I had no choice but to suspend you from all teaching and other responsibilities to Amarillo College, effective as of the date of Monday, December 2, 1963.
>
> On the afternoon of the 27th I was informed that you had employed an attorney to represent you in contemplation of some sort of legal action to be brought against either me, the Board of Regents, or personnel of the College. Further, I learned that your attorney was in the process of obtaining statements or depositions from members of the faculty. The nature and purpose of these statements are unknown to me. However, without doubt, the disruptive effect of this procedure which you have employed is easily recognized as to its effect upon the program and personnel of Amarillo College.
>
> On April 10, 1962, you were informed in a letter that because of your conduct at a meeting of the faculty which was held on the preceding Friday you had placed yourself in conflict with Section III[2] Paragraph D, of the Statement on Faculty Tenure and Status now in effect, which was amended by the Board of Regents on August 13, 1963. This paragraph reads as follows:
>
> > D. *Abrogation of Tenure.* A faculty member may divest himself of the benefits of tenure by conduct which is inimical to Amarillo College and, further, his employment, upon proper notice, may be terminated for malfeasance, inefficiency, or contumacious conduct.
>
> Your current action, which consists of employing an attorney and contemplating legal action as referred to, constitutes a definite violation of this section of the Statement on Faculty Tenure and Status. Therefore, you may consider this as the proper notification called for in the said paragraph of this Statement.
>
> On December 5 (following the suspension), in a letter to Mr. Jerome Johnson, Chairman of the Board of Regents, President Martin outlined a lengthy series of charges against Professor Miesse. She states that she did not receive a copy of this letter, and President Martin did not say he had sent her a copy. Accompanying the letter were a number of documents and letters dating back to 1960 when Dr. Ray was President of the College, with President Martin's comments on each of them. He concluded by saying,
>
> > There is much more which can be said; suffice it to say that our minds are made up. We can no longer permit the situation as it persists in regard to Miss Miesse to continue. Therefore, I shall recommend to the Board of Regents at the next regular meeting that the service of Miss Miesse at Amarillo College be terminated as of December 31, 1963.
> >
> > The recommendation will be carried as a regular agenda item for the meeting of December 17, 1963. It gives me no pleasure to make this recommendation, but as President of the College I have no other choice since all other possibilities have been exhausted.
>
> On December 16, Professor Miesse wrote to President Martin as follows:
>
> > As much as I like, respect and admire you, I am unable to accept your decision stated on Dec. 2, which "confirmed" your telephone call of Nov. 27. My reasons include the following:
> >
> > 1. There is no specific, verified charge.

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[2] See footnote 1.

2. The alleged general charges are indefinite and have not been proven.
3. The letter is inaccurate in major points.
4. The Constitution and Statement of Faculty Tenure and Status makes no provision for suspension, and the dismissal procedure prescribed by the Amarillo College Board of Regents has not been followed.
5. The crux of the matter has not been presented.

I am, at this time, requesting reconsideration—based on facts—of the matter, that is, of the entire situation; reinstatement to full professorial status on a full-time basis, with no loss of tenure; payment for the financial losses I have endured since the Spring of 1962. It would be better if we could reach agreement between ourselves, but if this is as impossible as it appears to be, a discussion with the Board of Regents is in order.

I have waited until today to write because of the meeting with the Committee on Professional Relations and Standards, which, as you know, was scheduled for today. I do not yet know what the recommendation of the Committee will be. The Committee did, however, suggest that I immediately request a meeting with the Board of Regents.

It is my understanding that you plan to present the matter to the Board of Regents on Tuesday evening, Dec. 17. Remembering my nearly 20 years of dedicated service to Amarillo College, I am, therefore, requesting that before the Board of Regents makes a final decision, I be granted a hearing—at the convenience of the Board members.

As I have said in the past, I say again: The entire matter is, primarily, a breakdown in communication. What is needed is a breakthrough. It is unfortunate that so simple a thing has snowballed into something so complex. But solution to the problem is still possible. There is nothing about it mature, intelligent, professional people cannot cope with and cannot, through understanding, solve completely.

President Martin forwarded copies of this letter to the Board of Regents and, on December 17, for the benefit of the Board, answered her five points as follows:

1. *There is no specific, verified charge.*

The answer to this statement is that, due to a continuing series of acts, she has violated the provisions of the Amarillo College Statement on Faculty Tenure and Status, Section II, Article D, which states that a faculty member may divest himself of tenure because of certain acts. Specifically, the charge against Miss Miesse is that she is flagrantly guilty of contumacious conduct toward the administration of the College, contumacious being defined as being "perverse in resisting authority; stubbornly disobedient; rebellious, insubordinate." Evidence of this is contained in the copies of the letters sent to the Board.

2. *The alleged general charges are indefinite and have not been proved.*

On May 4, 1962, at 2:30 p.m., at a conference attended by Miss Miesse, the President of the College, the Dean of the College, and Dean of the Evening College, it was specifically pointed out to her that her inability to get along with her department heads made it impossible to assign her teaching duties in areas in which she was qualified, and that she would have to change her attitude in order to remain on the faculty of Amarillo College. *It lies within the discretionary power of the administration of the College, expressed through the President,* to determine whether or not any member of the staff of the College is guilty of contumacious conduct with respect to carrying out assigned duties and responsibilities toward the College [Emphasis added]

3. *The letter is inaccurate in major points.*

The statement contained in the letter to Miss Miesse dated December 2, to-wit that she was in the process of employing an attorney, was verified by a personal telephone call to the attorney representing Miss Miesse.

1. *The Constitution and Statement of Faculty Tenure and Status makes no provision for suspension; and the dismissal procedure prescribed by the Amarillo College Board of Regents has not been followed.*

While the Constitution itself does not provide for suspension of faculty members, nor does the Statement on Faculty Tenure and Status, suspension is an accepted form in college and public school administration pending consideration by the Board of Regents of all factors including the recommendation of the President or other administrative officers with respect to final termination of the faculty member.

In addition, the Statement on Faculty Tenure and Status definitely states that a faculty member may divest himself of the benefits of tenure. *In the opinion of the President, Miss Miesse has no right of tenure. Therefore, Article B of the same Section, which deals with full tenure, does not apply in Miss Miesse's case.* [Emphasis added] But, to preclude any argument on the part of Miss Miesse, I have arranged that she be present at the Board's pleasure tonight.

In addition, acting under the provisions of Article D of Section II, the procedure called for has been followed.

5. *The crux of the matter has not been presented.*

Time and time again, Miss Miesse has been warned orally and through letters that she could not continue at Amarillo College unless her attitude changed. The President even went so far as to suggest in a letter dated April 30, 1963, that Miss Miesse seek employment elsewhere.

Miss Miesse states in her letter of December 16, 1963, that the entire matter is "primarily a breakdown in communication." The copies of the letters previously submitted to the Board indicate to the contrary that there has been an excess of communication. In addition, the administration of this College has leaned over backwards to try to accommodate Miss Miesse, to no avail. Therefore, my recommendation to the Board is that the services of Miss Miesse at Amarillo College be terminated. The question of the effective date lies at the discretion of the Board.

President Martin also suggested "that this matter be attended to at the meeting of the Board tonight, December 17. To that end, I have requested Miss Miesse to be present at 8:30 in order to appear before the Board."

C. The Faculty Committee Hearing

In discussion with the *ad hoc* committee, the five members of the Amarillo College Committee on Professional Relations and Standards who were still on the College staff reported that they had met on December 16, 1963, at the request of Professor Miesse. The members of this Committee were unanimous in agreeing that President Martin had not approached the Committee or sought their advice, he had not requested a hearing, nor had he specified charges against Professor Miesse. The Committee said they had asked President Martin if such a hearing were under their jurisdiction, and he had said it would be and that Professor Coy

(Committee Chairman) should call a meeting of the Committee if Professor Miesse requested it.

In any event, the Committee did hold a meeting and did hear Professor Miesse. However, the members of the Faculty Committee agreed that, at the time, they had not been informed by President Martin of any particular basis for Professor Miesse's dismissal. Their knowledge of the case was derived from the public announcement that she had been dismissed because of actions contrary to the best interests of the College. Since there were no formal charges upon which they could act, and since President Martin had not specifically sought their advice, they were reluctant to take any specific action. In their testimony to the *ad hoc* committee, the members of this Committee said that according to their best memory,

> We had heard her side of the story and assumed that if they [the administration] wanted to bring charges they would have. And since they had presented no charges, we assumed they did not want to. And we saw no reason to ask what they might be. Since we had, therefore, heard only her side of the conflict, we recommended that the President take the case to the Board of Regents. We also recommended that there be a closed hearing.

Professor Miesse's recollection is that the Committee was *told* by the President that he was taking the matter to the Board, and that they recommended that she request to be present during Board consideration. This and other conflicts, however, could not be resolved, for, if any minutes of this Committee meeting were kept, it appears that they were later lost or destroyed.

D. The Hearing before the Board of Regents

On December 16, following her meeting with the Faculty Committee, Professor Miesse requested a hearing before the Board; she received a telegram on December 17 requesting her to appear at the Board meeting that evening at 8:30 p.m.

In his letter to the Board dated December 17, President Martin claimed that because of her contumacious conduct, Professor Miesse had "divested herself of the rights of tenure. Therefore, Article B . . . which deals with full tenure, does not apply in Miss Miesse's case; but to preclude any argument on the part of Miss Miesse, I have arranged that she be present at the Board's pleasure tonight."

President Martin's letter of December 2 to Professor Miesse had cited as the only reason for her suspension, " . . . employing an attorney and contemplating legal action." However, his letter of December 5 to the Board of Regents charged in essence that: (1) Certain department chairmen did not want to work with her. (2) She had delivered in 1962 a controversial report to the Instructors' Association. (3) At Christmas, 1962, she had written critical letters to several administrative officers, and the "attitude toward the authority of the administrators, as evidenced by [these] letters" had made her retention on the faculty "intolerable." His December 17 letter to the Board of Regents said, "Specifically, the charge against Miss Miesse is that she is flagrantly guilty of contumacious conduct toward the administration of the College. . . . Evidence of this is contained in [Christmas, 1962] letters sent to the Board." Professor Miesse maintained that she received no copy of either of these letters.

At the hearing, President Martin read a prepared statement in which he charged Professor Miesse with "contumacious conduct," which he defined as being "perverse in resisting authority; stubbornly disobedient; rebellious; insubordinate." His examples of such conduct were essentially a summary of the points he had offered in his December 5 and December 17 letters to the Board, plus three new charges: (1) She had "aggressively pursued" him with proposals for favoritism. (2) She had made derogatory remarks about then-President Ray at a banquet some years earlier. (3) She had instituted a typing course for high school students without first consulting the President.

Following President Martin's presentation, Board Chairman Johnson informed Professor Miesse that if she had "any person other than yourself, we would be glad to hear them." She replied, (according to notes taken by the *ad hoc* committee from the tape recording of the meeting):

> I don't, because I was merely told to be here. . . . The [faculty] committee urged me to immediately ask for a hearing, not necessarily an immediate hearing. Most of the things said by President Martin *have been heard by me for the first time this evening*. . . . I am not quite prepared for what has been presented. . . . *I was not told that these matters would be presented tonight*. . . . The matter that I thought this meeting was to be about was my consultation with an attorney. I thought the action of the Board would concern the facts in the letter of dismissal. I think the Board should not consider anything else. . . . [Emphasis added]

Professor Miesse did, however, attempt an impromptu defense against President Martin's charges. Briefly, she replied as follows: (1) She had consulted with President Ray and Dean Stevens before instituting the new typing class, but since a change in department heads was in process at that time, it was possible that the new head had not been informed. (2) The Christmas letters had been sent in the spirit of charity and forgiveness, but their tone and meaning had been distorted by excerpts being quoted out of context. (3) To the charge that the Chairman of the Business Administration Department could not work with her, Professor Miesse stated that she personally had recommended the Chairman for the position, that the Chairman was generally critical of the entire staff, that she [Professor Miesse] had never been told of any specific dissatisfaction with her work, and that she had first learned that she was no longer a member of the Business Administration Department from a book salesman who had been so informed by the Chairman. (4) No defense was offered to the charge of seeking favoritism, since no specifics were cited. (5) The allegations of poor relations with previous administrations, she contended, ought to have been made and supported by them, not by President Martin, and she knew of no such complaints. Also, she said that the speech at the farewell banquet, which it was claimed had offended Dr. Ray, was intended to be

humorous and friendly, and Dr. Ray had apparently taken it in that spirit. (6) Concerning the "controversial" report of the April 6, 1962, meeting of the Instructors' Association, which she felt was a basic cause of President Martin's attitude toward her, Professor Miesse stated that, as secretary, she was instructed, by vote of the Association at a previous meeting, to prepare the report, which was in any case simply a history of the organization, and had obtained the President's permission to present a report. Much of the discussion at that meeting was related to the Instructors' Association having just previously been abolished, and she believed it was later reported to the President that she, or the report, was critical of him. Both charges, she said, were completely unfounded.

In addition to replying to the charges, Professor Miesse set forth what she believed to be her contribution to Amarillo College, including: her recognized teaching abilities; her participation (along with the Speech Department) in the creation and teaching of television classes, one of which had received first-place honors in competition with colleges and universities much larger than Amarillo College; her sponsorship of the student publication that won first-place standing among junior college newspapers in the state; and the state citation awarded her as "Business Woman of the Year."

Throughout the Board meeting, Professor Miesse protested that she was being forced to defend herself against charges that she had been unacquainted with until she had heard President Martin read them at the beginning of the hearing, that she had never had a previous opportunity to refute any of the allegations made, and that she had not been informed in advance of the hearing of the charges or the fact that she would have to defend herself against them. And she asked, "If the decision is unfavorable to me, may I ask the indulgence [of the Board] for one more session, for which I may come better prepared?"

One Board member stated that an additional hearing, for which Professor Miesse might be better prepared, would not be "worth a grain of salt," and no member spoke in support of her request. Observations by two members of the Board seem to reflect a dominant attitude of that body: "Teachers need to get along with people with whom they work. They deserve her loyalty. You have made statements that constitute an attack on department heads and deans." "When an instructor in an institution has made attacks on all the persons who work with her and are most responsible, that person cannot any longer serve or be useful to the institution. . . . To me, it seems that things have reached a point where it would be impossible for both parties. This is my reaction on the basis of things you have written. I make no judgments as to whether they were reasonable or not. It is not our purpose to enter into debate." No other member spoke in disagreement with these conclusions, or in behalf of Professor Miesse. One member did say that her defense of herself indicated a "capability that perhaps is somewhat in excess of our needs here."

The following day Chairman Jerome Johnson wrote to Professor Miesse:

> After your appearance before the Board of Regents of Amarillo College last evening, and after full consideration of all matters brought before the Board, it was determined by the Board that termination of your employment as a member of the faculty would be in the best interest of the College.
>
> It was also determined that you would receive the balance of your salary at the current level for the remainder of this school year.
>
> It is with the deepest regret that the Board has found it necessary to take this action. We were not unmindful of your long service and devotion to Amarillo College. It was the Board's considered judgment, however, that the overall welfare of the College required this action.

III. Issues and Findings

Three basic issues were of primary concern to the *ad hoc* committee: (1) Was there a violation of Professor Miesse's tenure rights? (2) Did the procedures followed in the dismissal constitute acceptable academic due process? (3) Was there, on the basis of the information available to the committee, adequate substantive cause for her dismissal?

A. The Question of Tenure

Professor Miesse was a full professor in her seventeenth year of service at Amarillo College when notified of her dismissal. Consequently, she was clearly entitled to tenure under the provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*, which, in part, declares:

> After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause. . . .
> Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years. . . .

She had also achieved tenure under the *Amarillo College Statement on Faculty Tenure and Status*, in effect at the time of her dismissal, which provided that:

> A faculty member at Amarillo College shall for the first three years normally be considered to be on probation. Achievement of full tenure shall normally be decided by the President in the spring of the third year of service, after recommendation by the Department Head and the Dean of the College: provided, however, that the President may in special cases, after receiving recommendation from the Department Head and the Dean of the College, grant full tenure before the completion of three years of service.

Neither President Martin nor the Board of Regents questioned Professor Miesse's tenure status under this *Statement*, but the President maintained that she had divested herself of the rights of tenure because of "contumacious conduct," referring for his authority to the following statement in the Amarillo College regulations:

> A faculty member may divest himself of the benefits of tenure by conduct which is inimical to Amarillo College and, further, his employment, upon proper notice, may be terminated for malfeasance, inefficiency, or contumacious conduct.

Elaborating on his understanding of the meaning of tenure, President Martin explained at the hearing:

> It is the responsibility of the President to ascertain the true attitude of any faculty member. And Miss Miesse has acted in such a way over so long a period of time, that we can't continue her on the faculty. Tenure is not required by law; it is only an accommodation. The Board of Regents delegated this right to the faculty. But this is good only so long as the faculty member acts in good faith.
>
> And so delegating, the Board implies a contract, but this is good only so long as a person holds to the contract—that is, so long as the person does not violate the section of the tenure statement on "Abrogation of Tenure."

This concept seemed to the *ad hoc* committee clearly incompatible with the generally understood meaning and implications of tenure. If the rights of tenure are an "accommodation" that can be withdrawn at the discretion of an administration, or of which a faculty member can be divested with none of the procedural protections of due process, then a tenure program—and the academic freedom it protects—is meaningless. Yet this is the conception expressed by President Martin, and, as reflected in the tape recording of the hearing, accepted by the Board of Regents, as indicated by the following statement of its President to Professor Miesse made toward the close of the hearing:

> There is no question of your innocence or guilt. And we aren't partisans to you or Dr. Martin. We are interested only in the welfare of the school.

Seemingly, it did not occur to the President of the Board that "the welfare of the school" might be well served by a tenure policy meeting national standards that have been formulated and refined through years of experience by the academic community.

As an apparent aftermath of the Miesse case, either at its meeting of December 17 or shortly thereafter, the Board amended the then-applicable Statement on Faculty Tenure and Status so as to eliminate subsections B, C, and D of Section II, which (at the time of Professor Miesse's dismissal) defined the rights and privileges of tenure at Amarillo College. On February 18, 1964, those sections were officially replaced by the following subsection B, and the provisions on Probation and Tenure were amended to read as follows:

> SECTION II. Probation and Tenure
>
> A. *Probation.* A faculty member shall be considered to be on probation during the first three years of service at Amarillo College.
>
> B. *Tenure.* Upon the recommendation of the President of the College after completion of the probationary period, each faculty member shall be assured of continued employment for as long as the service rendered is considered by the Board of Regents to be satisfactory and consistent with the needs of the College.

This current policy of Amarillo College, especially in light of the circumstances out of which it was developed, seems to the committee to subject the tenured faculty to the distinct possibility of arbitrary dismissal without adequate cause or procedural protections.

Further, there is presently no faculty organization at Amarillo College to consider problems of faculty tenure, or to confer meaningfully with the administration on general faculty problems of any kind. Both the Faculty Senate and the Instructors' Association, which existed when President Martin's administration began, were abolished soon after his appointment, apparently without consultation with the faculty or its elected representatives. And the Committee on Professional Relations and Standards was similarly abolished by the Board of Regents shortly after they dismissed Professor Miesse, both actions being reported by President Martin at a general faculty meeting on December 18, 1963 (by common recollections)—the day after Professor Miesse's dismissal.

Finally, it should be noted that President Martin justified his actions with the argument that no binding legal basis in state law existed for tenure at Amarillo College, and, consequently, that it was "merely an accommodation." Though he was at that time technically correct about the absence of such a state law, that fact would not prohibit the existence of a professionally acceptable tenure policy; and, in fact, under those same circumstances Amarillo College did originally establish and publish a tenure program that compared favorably with those of the state-controlled colleges and universities in Texas.

As a tenured member of the faculty in her seventeenth year of service at Amarillo College, Professor Miesse had every right to expect security of appointment which could be interrupted only for adequate cause, and that to be determined by full due process.

B. The Question of Due Process

Since Professor Miesse had achieved tenure at Amarillo College, she should have been dismissed only for adequate cause established under procedures meeting recognized standards of due process. Both the 1940 *Statement of Principles on Academic Freedom and Tenure* and the *Amarillo College Statement on Faculty Tenure and Status* (then in effect) provide for some such procedures, though the latter was less detailed and comprehensive.

The 1940 Statement of Principles asserts that:

> Termination for cause of a continuous appointment . . . should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an advisor of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or other institutions. . . .

While somewhat more general, the Amarillo College regulations in force at the time of Professor Miesse's dismissal provided in Section II B. *Full Tenure* that:

> A faculty member holding full tenure at Amarillo College shall not be subject to arbitrary dismissal. When the dismissal of a full tenure faculty member appears to the President necessary, he shall request the advice of the Committee on Professional Relations and Standards. The

> Committee shall give that advice with all due dispatch. It may at its discretion give a hearing to the faculty member involved. No dismissal shall be effected until the President makes a recommendation on the issue to the Board of Regents. The Board will, upon the request of the Faculty member concerned, provide either a public or a closed hearing on the issues involved. Only after the above procedures are observed can a full tenure faculty member be dismissed.

It should be noted, first, that two significant actions taken against Professor Miesse previous to her dismissal —her reduction to "probationary status" with part-time load and compensation, and her summary suspension— appear to have been taken without due process and in disregard of accepted academic standards. The Amarillo College Statement made no provision for "probationary" status for *tenured* faculty, and when the *ad hoc* committee asked specifically how a tenured professor could be put on "probation," President Martin declined to answer, and Mr. Stone said simply, "I would assume that if she didn't behave herself, she could be put on probation."

The Amarillo College Statement also did not provide for suspension of a tenured faculty member, though the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly supported by AAUP and the Association of American Colleges, recommends that such grave action should be taken against a faculty member only when ". . . immediate harm to himself or others is threatened by his continuance." In this instance, the cause, stated in writing, was the fact that the faculty member had "consulted an attorney," presumably for reasons known only to herself.

As to the dismissal itself, it is true that Profesor Miesse was given the opportunity to appear before the Board of Regents, but she received less than one day's notice that she was to appear and was never given a written statement of charges. Finally, while the Board did invite the testimony of a spokesman in her behalf once the meeting had begun, Professor Miesse had no such assistance, since she had no way of knowing beforehand that she might need (or would be permitted) such help to defend herself against a series of charges not previously made known to her.

In short, almost every major feature of acceptable due process was ignored in the proceedings, which consisted of a "hearing" with less than twenty-four hours' notice, without opportunity for counsel or supporting witnesses, on charges not previously provided to Professor Miesse. Finally, after Professor Miesse had pointed out the impossibility of defending herself adequately under such conditions and had asked for another hearing at which she could be better prepared, her request was denied.

The *ad hoc* committee rejects—as itself embodying a violation of due process—President Martin's contention that Professor Miesse had "already divested herself of the right of being heard" and of the procedural protections provided for in the regulations of Amarillo College. And it should be noted that even that stated policy, abandoned shortly after the meeting, fell far short of acceptable academic standards. The procedures which were observed at the meeting of the Board of Regents were clearly inadequate in every major respect.

C. The Substantive Bases for Dismissal

While the absence of due process precluded an acceptable determination of the validity of the charges made against Professor Miesse, since a substantive basis for the dismissal action was presented, the *ad hoc* committee attempted to clarify and evaluate the grounds offered by President Martin and accepted by the Board of Regents.

In the President's letter of December 2 to Professor Miesse, the only cause given for her suspension was "employing an attorney and contemplating legal action." This charge, however, was not raised formally before the Board. In any event, merely retaining an attorney cannot be grounds for suspension or dismissal; nor does "contemplating legal action," an intention immediately denied by Professor Miesse.

Of the six charges presented by President Martin to the Board of Regents on December 5 and December 17, so far as the *ad hoc* committee could learn from the tape-recording of the Board meeting and its other sources, he offered no support for two of them: that Professor Miesse "aggressively pursued" him for favored treatment, and that she had instituted a special typing class without first consulting with the President.

Of the four remaining charges, the basic one is set forth by President Martin in his December 17 letter to the Board of Regents:

> Specifically, the charge against Miss Miesse is that she is flagrantly guilty of contumacious conduct toward the administration of the College. . . . Evidence of this is contained in the [Christmas, 1962] letters sent to the Board.

The other three charges against Professor Miesse were that (1) her department chairman could not work with her; (2) she had delivered a "controversial" report in 1962 to the Instructors' Association; and (3) she had made derogatory remarks about then-President Ray some years earlier at a farewell banquet.

1. *The 1962 Letters*

The letters, cited as concrete examples of contumacious conduct, were sent to several members of the administration. Copies of some of these letters were supplied to the Board of Regents by President Martin, who also made copies available to the *ad hoc* committee. Each is a rather long, detailed letter in which Professor Miesse told the recipient of his good qualities, with occasional reminders of incidents which demonstrated the need for personal improvement; she prayed for each of them, advised each to do better and to do more with his intelligence and ability. In most of the letters she referred to the role the addressee had played at the conference on May 4, at which time she had been reduced to part-time status. She said she was not guilty of the various charges leveled against her, and asked each person to reconsider his own set of values and goals and be fair in judging others.

Only short excerpts from these letters were read at the Board hearing. For example, it was read into the record

that she wrote to one person, "We both know the deception in your 'reports' to Dr. Martin." And to another, "I am fully aware of the role you have played in my experiences, particularly your part in the climax which came last Spring." It was apparently such excerpts as these that led Dr. Martin to say to the Board of Regents, "These were attacks on the integrity and honesty of administrative officials. When a person continues to make attacks, then that person is no longer of service to the institution."

The *ad hoc* committee, after hearing the above testimony from the tape recording, obtained confirmation from President Martin that these were the same letters that had made the situation "intolerable"; and Mr. Stone, the College Counsel, said that there had been "dozens" of such letters written to members of the administration. However, these other letters, if they existed, were not supplied to the *ad hoc* committee and, according to Mr. Stone, they were not introduced into evidence at the Board meeting.

In the view of the committee these letters are certainly unusual, peculiar, and eccentric; and they might well irritate the recipient. But if read in their entirety, not in brief excerpts, they do not seem essentially contumacious or derogatory. Rather, their eccentricity consists in their being so conciliatory, so fulsomely forgiving, and overwhelmingly friendly. Moreover, the committee could find no convincing connection between eccentric letters written in December, 1962, and the precipitate dismissal one year later.

2. *The Difficulty with the Department Chairman*

The committee could gather only sketchy and contradictory evidence on the charge that Professor Miesse could not work with her department chairman. President Martin told the Board of Regents, for example, that Professor Linderholm, head of the Business Administration Department, had requested the transfer of Professor Miesse in March of 1962; yet, before the *ad hoc* committee, Professor Linderholm said that she had not requested this transfer. She stated that "President Martin thought she [Professor Miesse] would do better elsewhere. I wasn't personally involved in this. I didn't kick her out or try to get rid of her. I was in no way responsible for removing her from Business Administration." Professor Linderholm did make it clear that she thought Professor Miesse acted too independently in departmental matters and that she considered her a poor teacher. In contrast, though, several of Professor Miesse's former colleagues (including the former Chairman of Business Administration), no longer employed at Amarillo College, were enthusiastic in their praise of Professor Miesse as "a creative and gifted teacher, liked by all the students." In summary, the evidence gathered by the committee, including that available on the tape recording of the Board meeting, did not substantiate the charge that she had had any critical difficulties with the Chairman of her department.

3. *The Report to the Instructors' Association*

So far as the committee was able to ascertain, President Martin first warned Professor Miesse that she was endangering her status on April 10, 1962, following her delivery of a report to the Instructors' Association. According to Professor Miesse, he later (May 4, 1962) stated that while the report had nothing to do with her reduced assignment and salary for the following academic year, she in fact had no right to prepare and present such a report, because it was contrary to his beliefs and practices.

Professor Miesse provided the *ad hoc* committee with a photostatic copy of what she identified as the carbon copy of the report she sent to President Martin (which President Martin would neither verify nor deny as authentic), but it was ascertained that no copy had been supplied by the Administration to the Board of Regents.

In the judgment of the committee, the report is altogether historical; it is quite impersonal and uncritical of anybody or anything. It is simply a history of various faculty organizations at Amarillo College. As for her alleged editorial comments in giving the report, Professor Miesse said that she made no critical comments. The faculty, she stated, were excited over a recent announcement that the Instructors' Association was to be abolished, and took so much time discussing that matter that she was unable to finish reading the report.

4. *The Derogatory Remarks About Former President Ray*

Much of the *ad hoc* committee's discussion with the Faculty Committee on Professional Relations and Standards was devoted to a farewell dinner party, in the spring of 1960, given by Professor Miesse when Professor Talbot, Chairman of the Department of Business Administration, had resigned. At this party Professor Miesse, acting as mistress of ceremonies, had apparently carried off a long series of jokes and humorous incidents at the expense of nearly all the faculty members present. According to the memory of every member of the Faculty Committee, it had been an embarrassing experience for everybody, it had all been in extremely poor taste, and everybody present (they emphasized "everybody") had been totally humiliated. This applied in particular, each remembered, to what were construed as her personal attacks on Dr. Ray, who was then President of Amarillo College. The efforts of the *ad hoc* committee to ascertain the specific nature of the remarks and jokes were fruitless; the Faculty Committee could only recall that "everyone" who attended the party had been embarrassed and humiliated. But when the *ad hoc* committee asked specifically if Professor Miesse's remarks had been off-color or indecent, the Faculty Committee responded immediately with a chorus of negatives: "Oh, no! She's not that kind of person!"

On the other hand, all four persons queried who were no longer on the faculty of the college—one of them the retired head of the Business Administration Department for whom the dinner was given—were unanimous in their memory that it had been a witty, amusing evening, marked by a kind of gridiron humor, and they could not recall anyone's being embarrassed in the slightest.

Dr. Ray's recollection of the evening, provided in a

letter at the request of the *ad hoc* committee, confirmed the latter view. He remembered the event only as a pleasent farewell party for Professor Talbot, and concluded his letter by stating,

> I am confident, that, if I had been "thoroughly embarrassed" by her performance, I would be able to recall it much more completely than I now can. Indeed, I recall no embarrassment at all.

In summary, the *ad hoc* committee can only conclude that it found no valid substantive basis for the dismissal of Professor Miesse. There were indications of eccentric and nonconformist behavior, but, especially when judged on the basis of the evidence presented at the December 17 Board meeting, the charges brought by President Martin were in the committee's judgment, essentially unsubstantiated.

IV. Conclusions

The dismissal of Professor Miesse was in clear violation of her rights as a tenured member of the faculty of Amarillo College, both by the standards set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure* and by the regulations of the college itself. Further, there is no question in this instance that almost every fundamental aspect of due process was absent.

Under the protection of her tenure status, Professor Miesse should not have been dismissed without adequate cause established in accordance with recognized procedures of due process. While it is difficult without due process to make sound judgments on substantive issues, it is the conclusion of the *ad hoc* committee, on the basis of the evidence summarized in this report, that the charges brought against her, even if sustained, would not constitute adequate cause; and, in any event, that they were substantially unsupported.

The committee must note, in addition, its concern about the implications of this case for the present state of academic freedom and tenure at Amarillo College. As stated earlier in this report, both the Faculty Senate and the Instructors' Association, which were operative when President Martin assumed his office, were abolished soon after his arrival, and have not yet been replaced by any similar mechanism that could provide for the protection of faculty rights or for meaningful faculty participation in the government of the institution. Then, Professor Miesse, a senior, tenured member of the faculty, was without due process or recourse placed on "probation" and reduced to part-time status and compensation. Eventually, she was summarily suspended in the middle of the school year. Finally, after an improper, nominal hearing, the Board of Regents dismissed Professor Miesse, abolished the Committee on Professional Relations and Standards, and eliminated those sections of the college regulations which had provided at least paper protection for the tenured faculty. This series of extreme actions violative of fundamental academic principles has done serious harm, the *ad hoc* committee believes, to the institution and has rendered insecure academic freedom and tenure at Amarillo College.

A final comment must be made about the Board of Regents and their role in this matter, for it is the conclusion of the *ad hoc* committee that once Professor Miesse had been suspended by the President, the Board felt that it had no choice but to support the President's decision. Many of the comments by the Board members on the tape recording of the hearing reflected an overriding concern for the necessity to achieve a smooth, harmonious operation of the college, even if this end could be attained only at great cost to an individual professor. Furthermore, the meeting seemed to be permeated by an ignorance of the proper nature of an institution of higher learning, which nurtures difference, rewards originality, and respects academic freedom.

This committee wishes to call to the attention of the Amarillo College Board of Regents, and to that institution's administration, the spirit of the State Legislature of Texas reflected in its recently articulated objectives for all higher education in the State—in which it specifically includes the publicly supported junior colleges. Of particular relevance here was the Legislature's charge to the newly created Coordinating Board:

> To achieve excellence in . . . higher education, the Board shall . . . develop and recommend minimum standards for academic freedom, academic responsibility and tenure.

Moreover Governor Connally, at the initial meeting of this new Coordinating Board, emphasized that:

> For the first time, junior colleges under your direction became full partners in our total higher education endeavor. . . . The junior college Instructor . . . is certainly the equal of his fellow faculty members in four-year institutions and should be treated as such.

Until the Board of Regents and the Administration subscribe to those standards and that conception of the faculty at their institution, the principles of academic freedom and tenure—so clearly violated in the dismissal of Professor Miesse—cannot be secure at Amarillo College.

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